

### **REMARKS**

By the present amendment, Applicant has amended Claims 1, 6, 10, and 15, and added Claim 20. Claims 1-20 remain pending in the present application. Claims 1, 10, and 15 are independent claims.

Applicant appreciates the courtesies extended to Applicant's representative during the personal interview held January 30, 2007. The present response summarizes the agreement reached and substance of the interview. At the interview arguments were advanced that a method of making a flower pot cannot be anticipated by a method of making a globe since method claims, as opposed to article claims, are construed by and limited to the method stated. The Examiner indicated that the article still appears to fulfill the intended use. In order to clarify that the method is directed to a flower pot and not a globe, independent Claims 1, 10, and 15 have each been amended to recite that either the mold or the flower pot or both have a substantially planar bottom surface thereby overcoming the Snyder method of making a spherical globe.

The Examiner has required election among the inventions of Groups I and II. During a telephone conversation on January 31, 2006, Applicant's representative provisionally elected with traverse to prosecute the invention of Group I, namely, Claims 1, 3-7, 9-13, 15, and 17-19. This is to affirm the election. Applicant **traverses** the restriction requirement. The Examiner's reason for the restriction is stated as: "...the flower pot can be made by another and materially different process, such as stereo lithography or slush

casting". However, each of the withdrawn Claims 2, 8, 14, and 16 is dependent upon a specific method claim and as such can only be made by the recited steps of the claimed method. In essence, the flower pot can not be made by stereo lithography or slush casting. Nonelected Claims 2, 8, 14, and 16 have been withdrawn with Applicant reserving the right to file a divisional application directed to the nonelected invention in the event that the requirement is maintained.

In the recent Office Action the Examiner rejected Claims 1, 3, 4, 6, 9, 15 and 17 under U.S.C. § 102(b) as being anticipated by or, in the alternative, under 35 U.S.C. § 103(a) as being unpatentable over Snyder (US-3,225,461). Claims 5, 7, 10-13 and 18-19 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Snyder ('461) in view of Gravely (US-2,015,669), Wang (5,871,834) and Johnson (US-4,192,166), respectively.

Applicant will advance arguments hereinbelow to illustrate the manner in which the presently claimed invention is patentably distinguishable from the cited and applied prior art. Reconsideration of the present application is respectfully requested.

The Examiner rejected independent claims 1, 10, and 15 under 35 U.S.C. 102(b) or 35 U.S.C. 103. The prior art used as the basis for the rejections is the Snyder ('461) reference. These rejections are respectfully traversed. The Snyder reference discloses, *inter alia*, a method of making a spherical, terrestrial globe. The globe is molded by distorting to hemispherical form flat sheets of thermoplastic material upon which has been printed all the information which is desired to have appear on the globe (column 1, lines 40-49). To insure

exact maintenance of the sheet in properly centered position with relation to the mold during the molding operation, a polar guide 30 is threaded into a mold plate 15 to extend upwardly in coincidence with the axis of the hemispherical cavity and is further held in position by grommet 36. The resulting hemispheres are appropriately aligned into Northern and Southern hemispheres and are eventually mounted by pins P to support the globe (column 3, lines 1-26, and column 4, lines 27-34).

In contradistinction to the Snyder globe, Applicant's claims are directed to various methods of manufacturing or decorating a flower pot. In order to clarify and emphasize the difference between Applicant's claims and the Snyder globe, independent Claims 1, 10, and 15 have been amended to claim, respectively: a) a mold having a substantially flat bottom and the resultant flower pot having a substantially flat outer bottom surface; b) vacuum forming a flower pot to have a substantially flat outer bottom surface; and c) a mold having a substantially flat bottom surface and the resultant flower pot having a substantially flat outer bottom surface. Therefore, each of the independent claims now recite that the mold and/or the flower pot has a substantially **flat bottom surface**. It's axiomatic that Snyder's spherical globe can not possess a flat bottom surface. Applicant respectfully contends that the Examiner's reliance upon the Snyder reference cannot be sustained and the rejections based thereon should be withdrawn. Likewise, the rejections further using the secondary references to Gravely (2,015,669), Wang (5,871,834) and Johnson (4,192,166) should also be withdrawn.

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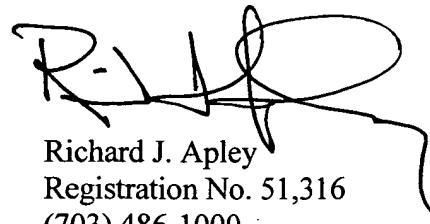
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New Claim 20 is dependent on Claim 1 and adds the further step of forming the bottom surface of the flower pot as an imperforate surface. Snyder's globe is formed with holes located at the polar points in order to receive pins P that support the globe upon its axis (Fig. 8).

The claims in this application have been revised to more particularly define Applicant's methods. Reconsideration of the claims in light of the amendments and for the foregoing reasons is respectfully requested.

For the foregoing reasons, Applicant respectfully submits that the present application is in condition for allowance. Furthermore, rejoinder and allowance of Claims 2, 8, 14, and 16 is respectfully requested. If such is not the case, the Examiner is requested to kindly contact the undersigned in an effort to satisfactorily conclude the prosecution of this application.

Respectfully submitted,



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RJA:dht